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PATENT COOPERATION TREATY

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Translation

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IP04007		FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CN2004/001255		International filing date (day/month/year) 04.Nov.2004 (04.11.2004)	Priority date (day/month/year) 11.Nov.2003 (11.11.2003)
International Patent Classification (IPC) or national classification and IPC C07D311/08 A01N43/16			
Applicant SHENYANG RESEARCH INSTITUTE OF CHEMICAL INDUSTRY et al			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.			
2. This REPORT consists of a total of 3 sheets, including this cover sheet.			
3. This report is also accompanied by ANNEXES, comprising:			
a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:			
<input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).			
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.			
b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____ sheets, as follows:			
containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Relating to Sequence Listing (see Section 802 of the Administrative Instructions).			
4. This report contains indications relating to the following items:			
<input checked="" type="checkbox"/> Box No. I	Basis of the report		
<input type="checkbox"/> Box No. II	Priority		
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability		
<input type="checkbox"/> Box No. IV	Lack of unity of invention		
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability		
	citations and explanations supporting such statement		
<input type="checkbox"/> Box No. VI	Certain documents cited		
<input type="checkbox"/> Box No. VII	Certain defects in the international application		
<input type="checkbox"/> Box No. VIII	Certain observations on the international application		
Date of submission of the demand 16 May 2005 (16.05.2005)		Date of completion of this report 17.Nov.2005(17.11.2005)	
Name and mailing address of the IPEA/CN The State Intellectual Property Office, the P.R.China, 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, China 100088		Authorized officer Telephone No. 86-01-62085610	

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☐ the description:
- | | | |
|---------|-------|-------------------------------------|
| pages | _____ | as originally filed/furnished |
| pages * | _____ | received by this Authority on _____ |
| pages * | _____ | received by this Authority on _____ |
- ☐ the claims:
- | | | |
|---------|-------|---|
| pages | _____ | as originally filed/furnished |
| pages * | _____ | as amended (together with any statement) under Article 19 |
| pages * | _____ | received by this Authority on _____ |
| pages * | _____ | received by this Authority on _____ |
- ☐ the drawings:
- | | | |
|---------|-------|-------------------------------------|
| pages | _____ | as originally filed/furnished |
| pages * | _____ | received by this Authority on _____ |
| pages * | _____ | received by this Authority on _____ |
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement:**

Novelty (N)	Claims 1-8	YES
	Claims	NO
Inventive step (IS)	Claims 1-8	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-8	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Citations D1 is cited as relevant prior art for the International phase.

D1:JP 2897789 B

1. NOVELTY

The compounds disclosed in D1 are different with those of the present application. The exclusion in claim 1, "wherein, when R₃, R₄, R₅, R₆, R₇ and R₈ are all hydrogen, B is not NR₉", excludes the specific compounds disclosed in D1. Therefore, D1 dose not destroy the novelty of the present application.

Claims 1-8 meet the requirements of Article 33(2)PCT.

2. INVENTIVE STEP

Compounds in D1 are bactericide, however, the compounds of the present application are used as both bactericide and insecticide. Thus, D1 does not belong to the same technical field as the present application, then the inventive step can be recognized. The claims 1-8 meet the requirements of Article 33(3)PCT.

3. INDUSTRIAL APPLICABILITY

No objection with respect to industrial applicability.